

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SAMMIE JACKSON	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
CITY OF MARKHAM, an Illinois, a municipal	)	
corporation,	)	
	)	
Defendants.	)	

**DEFENDANT’S PETITION FOR REMOVAL TO FEDERAL COURT**

Defendant CITY OF MARKHAM (City), by its attorney Steven A Marderosian Esq, respectfully requests that this Honorable Court enter an order, under 28 U.S.C. §1441(c)(1)(A) and 28 U.S.C. §1331, removing this case to the Federal District Court for the Northern District of Illinois, Eastern Division, based on original federal question jurisdiction, stating as follows:

**INTRODUCTION**

Plaintiff filed a lawsuit in the Circuit Court of Cook County (State Case) appearing to allege that City violated his rights under the U.S. Constitution, Fourth Amendment (4A – false arrest) and Fifth Amendment (5A – *Miranda* warnings). His complaint (Complaint) does not aver any violation of common law or other Illinois law alleging facts that raise only federal questions: Did City violate his 4A and/or 5A rights? This petition seeks to remove the State Case to this Court to adjudicate Plaintiff’s purely federal questions under this Court’s original jurisdiction.

**STANDARDS FOR REMOVAL**

“[A]ny civil action brought in a State court of which the district courts...have original jurisdiction, may be removed by... to the district court...for the district and division ...where such action is pending.” 28 U.S.C. §1441(a). Further, “[i]f a civil action includes [] a claim arising under the [U.S.] Constitution...within the meaning of section 1331 of this title...the entire action may be

removed”. *Id.* at §1441(c)(1)(A). “[D]istrict courts shall have original jurisdiction of all civil actions arising under the Constitution...of the United States.” *Id.* at §1331. The Seventh Circuit has held removal proper if “[P]laintiff seeks to prevent a federal court from adjudicating what essentially are federal claims simply by drafting those claims to masquerade as state law claims.” *See Nuclear Engineering Co. v. Scott*, 660 F.2d 241, 249 (7th Cir. 1981); *Jones v. General Tire & Rubber Co.*, 541 F.2d 660, 664 (7th Cir. 1976).

### **STATE CASE ALLEGATIONS**

Plaintiff’s friend filed a small claim (<\$10K) arising out of the tow of her vehicle, but later amended her complaint into a civil rights suit for over \$100,000 – alleging 4A and/or 5A violations by City police officers. Here, Plaintiff claims that after curbing the same vehicle he occupied, City police made a “wrongful arrest” lacking probable cause “w/o *Miranda* rights given” and “would not allow [him] to use the restroom causing [him] to urinate on [him]self”. (Complaint – **Ex.** at 19-20.)

### **JURISDICTION**

City was served with process in the State Case on January 30, 2024. (Service Aff. – **Id.** at 15.) To remove a state court case raising federal questions, City had to file this Petition within 30 days of being served with process – on or before February 29, 2024. 28 U.S.C. §1446(b)(1).

### **REMOVAL**

While not clearly pled, the Complaint’s allegations suggest City police officers violated Plaintiff’s 4A and 5A rights in an unlawful arrest of his person. As these allegations raise only federal questions as to whether City violated the U.S. Constitution, and as City filed this Petition within 30 days of being served with process in the State Case, this Court has original jurisdiction and removal is proper under 28 U.S.C. §1441(c)(1)(A) and §1331.

Wherefore, Defendant CITY OF MARKHAM respectfully requests that this Honorable Court enter an order removing Plaintiff's State Case to this Federal Court as set forth herein, and providing such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ Steven A. Marderosian  
Steven A. Marderosian

Eydie R. Glassman (#6277536) ([eydie@ergjd.com](mailto:eydie@ergjd.com))  
Steven A. Marderosian (#6231105) ([steven@ergjd.com](mailto:steven@ergjd.com))  
Eydie R. Glassman, Esq. – Legal & Consulting Service, LLC  
10 S. Riverside Plaza, Ste. 875  
Chicago, IL 60606  
Phone: (312) 600-5001